

EXHIBIT “D”

3. I am informed that I may be called upon to testify in the above referenced case regarding the prosecution of the '413 Patent, including testifying at the trial of this case. I am prepared to testify at trial, if called to do so.

4. I am a resident of Rowley, Massachusetts, and I am currently retired.

5. I am informed that certain defendants in the above referenced case have requested transfer of the case to the Northern District of California. It would be more convenient for me to travel to Texas to attend and testify at trial than if the trial were in Northern California. Given the shorter distance in travel from my home to Texas, Northern California would be burdensome as compared to testifying at trial in Texas.

I declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true.

Executed this 22nd day of May, 2013.

Gordon E. Nelson, USPTO #30,093
Gordon E. Nelson